

REMARKS

Applicant respectfully requests favorable reconsideration and allowance of the claims of the present application.

Claim Rejections – 35 U.S.C. §102(b)

The Office Action rejected Claims 1-4, 7, 8, 10, 12, 14-16, 18 and 19 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Publication No. 2002/0199073 (“Tamura”). In this reply, applicant is amending independent claims 1, 12 and 16 to recite, “the available adapters being dynamically updated as a function of at least detecting one or more failed or newly established paths.” Support for the amendment can be found in paragraphs 0037 and 0038 of the original specification.

Tamura as understood by applicant discloses method and system for backing up storage system data. While Tamura appears to disclose providing a user interface so that one or more path groups comprising a target port and an initiator port on a disk system may be designated, Tamura does not provide at least “displaying available adapters … the available adapters being dynamically updated as a function of at least detecting one or more failed or newly established paths.” At best, Tamura appears to allow users to add or delete a target port or initiator port on a screen (See Office Action cited paragraph 0047). Tamura, however, does not disclose or suggest dynamically updated available adapters, and therefore, it is believed that Tamura does not anticipate independent claims 1, 12 and 16 as amended and their respective dependent claims by virtue of dependency.

Claim Rejections – 35 U.S.C. §103(a)

Claims 5, 6, 9 and 11 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Tamura in view of U.S. Patent Publication No. 2002/0001307 ("Nguyen"). Claims 5, 6, 9 and 11 depend from Claim 1, and therefore, the same reasoning given above for distinguishing Claim 1 from Tamura applies to Claims 5, 6, 9 and 11. Further, while Nguyen as understood by applicant discloses configuration of virtual connections, Nguyen does not make up for which Tamura fails to disclose. Accordingly, it is believed that neither Tamura nor Nguyen whether taken alone or in combination discloses or suggests every element claimed in claims 5, 6, 9 and 11.

In view of the amendments made to independent claims and the foregoing remarks, the Examiner is respectfully requested to withdraw the rejections of these claims under both 35 U.S.C. §102(b) and 35 U.S.C. §103(a) grounds, and withdraw the rejections of the claims either directly or indirectly dependent thereon by virtue of their dependency.

If the Examiner believes a telephone conference might expedite prosecution of this case, it is respectfully requested that he call applicant's attorney at (516) 742-4343.

Respectfully submitted,



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